

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL CHAVEZ,

Petitioner,

v.

No. 1:15-cv-00701 WJ/GBW

STATE OF NEW MEXICO, *et al.*,

Respondents.


ORDER

The Court having entertained this habeas corpus proceeding in forma pauperis pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 1915, and the Court having determined that the application is not subject to summary dismissal;

IT IS THEREFORE ORDERED that the Clerk is directed to substitute German Franco, Warden as the sole named Respondent and to forward copies of this Order and the application to Respondent and the New Mexico Attorney General;

IT IS FURTHER ORDERED that Respondent answer said application within thirty (30) days from the date of service of this Order. Respondent's answer shall advise, but is not limited to, whether the Applicant has exhausted his state court remedies as to the issues raised in the federal application. Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Applicant in the sentencing court, the state district court, the state court of appeals, and the state supreme court, together with copies of all memoranda filed by both parties in

support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued in Applicant's state court post-conviction or appellate proceedings. The answer must describe the procedural history of each claim that Respondent contends is unexhausted and identify the State procedures that are currently available to Applicant.



UNITED STATES MAGISTRATE JUDGE